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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,279	11/14/2003	Kevin B. Weiss	15866/141	2037

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EXAMINER

WILLIAMS, THOMAS J

ART UNIT PAPER NUMBER

3683

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/714,279	Applicant(s) WEISS, KEVIN B.	
	Examiner Thomas J. Williams	Art Unit 3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 6,7,9-11,18 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,12-17 and 19 is/are rejected.
- 7) ☒ Claim(s) 3-5,8 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Acknowledgment is made in the receipt of the amendment filed January 3, 2006.
2. It is noted that the proper claim identifier (withdrawn) has not been placed adjacent claims 6, 7, 9-11, 18 and 21, which were withdrawn from consideration as per the response filed August 6, 2004.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 8, 12-17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,178,870 to Takahashi.

Re-claim 1, Takahashi discloses a motion control apparatus for use with a rod, comprising: a housing 3; a piston 28 is mounted in the housing; an end cap 22 is mounted to the housing using bolts 53, this will prevent movement of the end cap; a friction collar 24 is mounted between and contacting with the housing 3 and the end cap (via element 26, the recitation “and contacting with” does not preclude the presence of additional elements between the two elements in question, see *193 USPQ 81 Butler et al. v. Helms, doing business as Jack A. Helms Company*), an engaging force is generated during movement of the piston (in response to a dump of pressure, this is consistent with the instant invention), the piston is movable to a release position allowing axial movement of the rod; the rigid connection of the end cap with the housing using bolts 53 will prevent any backlash.

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This position is supported by the art cited below, in particular Stratienko. In which backlash is prevented by securely connecting various elements using bolts.

Re-claim 2, the recess portion of housing 3 that receives the end cap is interpreted as a holder mounted on the inside of the housing.

Re-claims 8 and 12, the friction collar has a plurality of tracks to support a plurality of balls.

Re-claim 9, the backlash reducer comprises integrally formed members (interpreted as the end cap 22 and sleeve 26, since they are not easily disassembled) that cooperated to restrain relative motion between the friction collar 24 and the housing 3 and the friction collar 24 and the end cap 22, note that in figure 1 there are no gaps illustrated between the friction collar 24 and the housing 3 or the friction collar 24 and sleeve 26. Sleeve 26 is interpreted as merely an extension of the end cap 22.

Re-claim 13, portion 30 is interpreted as part or an extension of piston 28, and is thus provided with a surface having a cone shape.

Re-claims 14-16, see figure 1.

Re-claims 17 and 19, Takahashi discloses a method comprising: providing a housing 3 with an internal passage to accommodate a rod 6; mounting a friction collar 24 in the housing, the friction collar will selectively engage the rod; mounting an end cap 22 into the housing after mounting the friction collar; applying a force (during tightening of the bolts), the end cap is held in place relative to the friction collar and the housing, due to bolts 53; the step portion on the internal surface of the housing is interpreted as a holder, since it will hold the end cap in place.

Allowable Subject Matter

5. Claims 3-5, 8 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed January 3, 2006 have been fully considered but they are not persuasive. Stratienko talks about the reduction of backlash in column 2 lines 68-69 to column 3 lines 1-3. It is the opinion of the examiner that the bolts in Stratienko contribute to this reduction in backlash, as desired by Stratienko. It is believed that Takahashi addresses the claim language as a whole. The applicant's invention may indeed reduce the need for high machining tolerances when manufacturing the motion control apparatus, as stated in the remarks. Nevertheless, the claim language fails to convey this point. As stated in the above rejection, the friction collar 24 is securely disposed between the housing and the end cap/sleeve. This overall construction will prevent any axial movement of the friction collar and therefore prevent a backlash situation.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Thomas Williams whose telephone number is 571-272-7128. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan, can be reached at 571-272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-6584.

TJW

February 16, 2006

Thomas Williams
AU 3683
2-16-06